

FILED

8-4-2008

AUG 4 2008 mp

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

EASTERN DIVISION

Thomas O'Farrell - K54340,	,	)	Habeas Corpus Petition
Plaintiff	,	)	Case # 08 C 2403
		)	Honorable Milton I. Shadur,
v.		)	Presiding Senior Judge
Joseph Mathy, Assistant Warden.	,	)	Judge Keys,
Defendant	,	)	Magistrate Judge

MOTION FOR LEAVE TO FILE AND PROCEED ON APPEAL  
IN FORMA PAUPERIS

NOW COMES, Thomas O'Farrell - K54340, Plaintiff, Pro-Se, who requests and prays that this Honorable Court will grant this motion allowing Plaintiff to proceed on appeal to the United States Court of Appeals, Seventh Circuit of Illinois In Forma Pauperis. In support of said motion, Plaintiff states as follows:

1) The following facts and statemnets herein this motion and attached affidavit are true and correct to the best of his knowledge.

2) Plaintiff is currently incarcerated in the Illinois Department of Corrections at the Pontiac Correctional Center, Pontiac, Illinois under I.D. #K54340.

3) Plaintiff has been incarcerated within the Department of Correction and the Cook County Department of Corrections since September 29, 1995.


4) Plaintiff from the beginning of these criminal proceedings has been represented by court appointed counsel due to his inability to pay the expences.

5) Plaintiff is currently without the funds to pay for these proceedings.

6) Plaintiff believes

6) Plaintiff believes in good faith that his claims are meritorious.

Date: July 27, 2008

  
Thomas O'Farrell-K54340  
Plaintiff, Pro-Se

**FORM 4.**  
**AFFIDAVIT ACCOMPANYING MOTION FOR**  
**PERMISSION TO APPEAL IN FORMA PAUPERIS**

United States District Court for the  
NORTHERN District of ILLINOIS  
EASTERN DIVISION

THOMAS OFARRELL-KS4340  
A.B., Plaintiff

v.  
JOSEPH H. MATHON, ASST. WARDEN  
C.D., Defendant

Case No. 08 C 2403

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: [Signature]

My issues on appeal are:

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: July 27, 2008

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

**Income source**

**Average monthly amount during the past 12 months**

**Amount expected next month**

	You	Spouse	You	Spouse
Employment	\$ 0	\$ Deceased	\$ 0	\$ Deceased
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$ 100.00	\$	\$ 100.00	\$
Child support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$

Public-assistance (such as welfare)

Other (specify):

**Total monthly income:**

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

**Address**

**Gross monthly pay**

INCARCERATED SINCE SEPTEMBER 28, 1975 TO PRESENT DATE.

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

**Address**

**Gross monthly pay**

Decayed

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of Account

**Amount your spouse has**

Fontaine Collection  
Center

Therapies

14.34

DocuAER

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

(Value) Other real estate

(Value)

☒ **Q**

Make & year:

Model:










\_\_\_\_\_  
Registration # \_\_\_\_\_

Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year:					
Model:					
Registration #					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	0	Decreased

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
		
		
		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

Rent or home-mortgage payment (including lot rented for mobile home)

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel, water, sewer, and telephone)

**Home maintenance (repairs and upkeep)**

Food

### Clothing

Laundry and dry-cleaning

Medical and dental expenses

You	Your spouse
\$ <u>10</u>	\$ <u>10000</u>
↓	↓
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
↓	↓

Transportation (not including motor vehicle expenses)	\$ <u>0</u>	\$ <u>Decreased</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card (name): _____	\$ _____	\$ _____
Department store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm	\$ _____	\$ _____
(attach detail)		
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>0</u>	\$ <u>Decreased</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[ ] Yes [X] No If yes, describe on an attached sheet.

10. Have you paid or will you be paying an attorney any money for services in connection with this case, including the completion of this form?

[ ] Yes [X] No If yes, how much? \$ 0

If yes, state the attorney's name, address, and telephone number:

0  
 ↓  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. Have you paid or will you be paying anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

[ ] Yes [X] No If yes, how much? \$ 0

If yes, state the person's name, address, and telephone number:

0  
↓  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

Plaintiff Has Been Incarcerated Since September 28, 1995 To Present Date  
With A Projected Outdate Of September 19, 2020

13. State the address of your legal residence.

P.O. Box 99  
PONTIAC, ILLINOIS 61764  
PONTIAC Correctional Center

Your daytime phone number: ( 0 ) 0

Your age: 43 Your years of schooling: 15

Your social-security number: 336-68-0709

CERTIFICATE

(TO BE COMPLETED FOR PRISONERS ONLY. THIS IS A STATEMENT BY THE PRISON AND NOT THE PRISONER.)

I hereby certify that the plaintiff or petitioner in this action has the sum of \$ 14.34 in his trust fund account at this correctional center where he is confined. I further certify that the plaintiff or petitioner has the following securities to his credit according to the records of this institution: \_\_\_\_\_.

\_\_\_\_\_  
Authorized Officer

Portage Corr. Center  
Institution

Acct Tech I  
Title

7/28/08  
Date

**IMPORTANT:**

THIS CERTIFICATE MUST BE ACCOMPANIED BY A COPY OF A SIX MONTH LEDGER OF THE PLAINTIFF'S OR PETITIONER'S TRUST FUND ACCOUNT.



Time: 10:58am

d\_list\_inmate\_trans\_statement\_composite

## Pontiac Correctional Center

## Trust Fund

## Inmate Transaction Statement

REPORT CRITERIA - Date: 01/28/2008 thru End: Inmate: K54340; Active Status Only ? : No; Print Restrictions ? : Yes;  
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print  
 Balance Errors Only ? : No

Inmate: K54340 O'Farrell, Thomas

Housing Unit: PON-SP-08-52

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
Beginning Balance:							39.17
01/28/08	Point of Sale	60 Commissary	028753	264630	Commissary	-17.10	22.07
02/05/08	Point of Sale	60 Commissary	036734	265205	Commissary	-15.92	6.15
02/06/08	Mail Room	01 MO/Checks (Not Held)	037262	382442	O' Farrell, Tom	50.00	56.15
02/06/08	Mail Room	01 MO/Checks (Not Held)	037262	382441	O' Farrell, Tom	50.00	106.15
02/08/08	Payroll	20 Payroll Adjustment	039120		P/R month of 01/2008	8.00	114.15
02/11/08	Point of Sale	60 Commissary	042734	265707	Commissary	-19.18	94.97
02/13/08	Disbursements	84 Library	044320	Chk #65994	530090, DOC: Library Copies, Inv. Date: 01/31/2008	-25	94.72
02/13/08	Disbursements	84 Library	044320	Chk #65994	530341, DOC: Library Copies, Inv. Date: 02/06/2008	-3.40	91.32
02/13/08	Disbursements	84 Library	044320	Chk #65994	529782, DOC: Library Copies, Inv. Date: 01/29/2008	-1.20	90.12
02/13/08	Disbursements	84 Library	044320	Chk #65994	528893, DOC: Library Copies, Inv. Date: 01/17/2008	-1.20	88.92
02/13/08	Disbursements	84 Library	044320	Chk #65994	529359, DOC: Library Copies, Inv. Date: 01/24/2008	-2.55	86.37
02/13/08	Disbursements	80 Postage	044320	Chk #65997	529763, Pitney Bowes Bank, Inc, Inv. Date: 01/29/2008	-.41	85.96
02/19/08	Point of Sale	60 Commissary	050774	266387	Commissary	-25.05	60.91
02/25/08	Point of Sale	60 Commissary	056774	267009	Commissary	-26.47	34.44
03/03/08	Point of Sale	60 Commissary	063774	267569	Commissary	-29.32	5.12
03/04/08	Mail Room	01 MO/Checks (Not Held)	064262	384519	O'Farrell, Tom	50.00	55.12
03/04/08	Mail Room	01 MO/Checks (Not Held)	064262	384520	O'Farrell, Tom	50.00	105.12
03/07/08	Payroll	20 Payroll Adjustment	067120		P/R month of 02/2008	7.89	113.01
03/11/08	Point of Sale	60 Commissary	071753	268236	Commissary	-29.42	83.59
03/12/08	Disbursements	84 Library	072320	Chk #66241	532765, DOC - Library Copies, Inv. Date: 03/06/2008	-.20	83.39
03/12/08	Disbursements	84 Library	072320	Chk #66241	532272, DOC - Library Copies, Inv. Date: 02/29/2008	-.90	82.49
03/12/08	Disbursements	84 Library	072320	Chk #66241	531693, DOC - Library Copies, Inv. Date: 02/21/2008	-.20	82.29
03/12/08	Disbursements	84 Library	072320	Chk #66241	531407, DOC - Library Copies, Inv. Date: 02/19/2008	-.10	82.19
03/12/08	Disbursements	84 Library	072320	Chk #66241	531392, DOC - Library Copies, Inv. Date: 02/19/2008	-1.75	80.44
03/12/08	Disbursements	84 Library	072320	Chk #66241	531109, DOC - Library Copies, Inv. Date: 02/14/2008	-1.40	79.04
03/12/08	Disbursements	84 Library	072320	Chk #66241	532219, DOC - Library Copies, Inv. Date: 02/29/2008	-.40	78.64
03/18/08	Point of Sale	60 Commissary	078734	269115	Commissary	-16.20	62.44
03/24/08	Point of Sale	60 Commissary	084734	269587	Commissary	-20.84	41.60
04/01/08	Point of Sale	60 Commissary	092753	270067	Commissary	-31.08	10.52
04/04/08	Mail Room	01 MO/Checks (Not Held)	095225	387313	O'Farrell, Tom	50.00	60.52
04/04/08	Mail Room	01 MO/Checks (Not Held)	095225	387314	O'Farrell, Tom	50.00	110.52
04/07/08	Point of Sale	60 Commissary	098774	270627	Commissary	-22.28	88.24
04/09/08	Payroll	20 Payroll Adjustment	100120		P/R month of 03/2008	8.00	96.24
04/15/08	Disbursements	84 Library	106320	Chk #66719	535082, DOC - Library Copies, Inv. Date: 04/03/2008	-5.60	90.64
04/15/08	Disbursements	84 Library	106320	Chk #66719	535265, DOC - Library Copies, Inv. Date: 04/07/2008	-.80	89.84
04/15/08	Disbursements	84 Library	106320	Chk #66719	534393, DOC - Library Copies, Inv. Date: 03/26/2008	-.20	89.64
04/15/08	Disbursements	84 Library	106320	Chk #66719	534505, DOC - Library Copies, Inv. Date: 03/27/2008	-.30	89.34

Time: 10:58am

# Trust Fund

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## Inmate Transaction Statement

REPORT CRITERIA - Date: 01/28/2008 thru End: Inmate: K54340; Active Status Only ? : No; Print Restrictions ? : Yes;  
 Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print  
 Balance Errors Only ? : No

Inmate: K54340 O'Farrell, Thomas

Housing Unit: PON-SP-08-52

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
04/15/08	Disbursements	84 Library	106320	Chk #66719	535081, DOC - Library Copies, Inv. Date: 04/03/2008	-.70	88.64
04/17/08	Point of Sale	60 Commissary	108774	271438	Commissary	-34.50	54.14
04/23/08	Mail Room	01 MO/Checks (Not Held)	114262	388568	O'Farrell, Tom	50.00	104.14
04/23/08	Mail Room	01 MO/Checks (Not Held)	114262	388567	O'Farrell, Tom	50.00	154.14
04/28/08	Point of Sale	60 Commissary	119774	272522	Commissary	-49.05	105.09
05/06/08	Point of Sale	60 Commissary	127734	273039	Commissary	-14.05	91.04
05/08/08	Payroll	20 Payroll Adjustment	129120		P/R month of 04/2008	8.00	99.04
05/13/08	Point of Sale	60 Commissary	134734	273793	Commissary	-25.46	73.58
05/14/08	Disbursements	84 Library	135320	Chk #67093	536414, DOC: 523 Fund Library, Inv. Date: 04/23/2008	-.10	73.48
05/14/08	Disbursements	84 Library	135320	Chk #67093	536057, DOC: 523 Fund Library, Inv. Date: 04/17/2008	-53.90	19.58
05/14/08	Disbursements	84 Library	135320	Chk #67093	536573, DOC: 523 Fund Library, Inv. Date: 04/24/2008	-.20	19.38
05/14/08	Disbursements	81 Legal Postage	135320	Chk #67095	536126, Pitney Bowes Bank, Inc, Inv. Date: 04/18/2008	-5.05	14.33
05/14/08	Disbursements	81 Legal Postage	135320	Chk #67095	536127, Pitney Bowes Bank, Inc, Inv. Date: 04/18/2008	-5.05	9.28
05/14/08	Disbursements	81 Legal Postage	135320	Chk #67095	536125, Pitney Bowes Bank, Inc, Inv. Date: 04/18/2008	-5.05	4.23
05/19/08	Point of Sale	60 Commissary	140774	274283	Commissary	-3.83	.40
05/21/08	Mail Room	01 MO/Checks (Not Held)	142262	390664	O'Farrell, Tom	50.00	50.40
05/21/08	Mail Room	01 MO/Checks (Not Held)	142262	390665	O'Farrell, Tom	50.00	100.40
06/03/08	Point of Sale	60 Commissary	155774	275281	Commissary	-58.39	42.01
06/06/08	Payroll	20 Payroll Adjustment	158120		P/R month of 05/2008	8.00	50.01
06/09/08	Point of Sale	60 Commissary	161734	275786	Commissary	-34.18	15.83
06/13/08	Mail Room	01 MO/Checks (Not Held)	165262	392706	O'Farrell, Tom	50.00	65.83
06/13/08	Mail Room	01 MO/Checks (Not Held)	165262	392705	O'Farrell, Tom	50.00	115.83
06/16/08	Point of Sale	60 Commissary	168774	276676	Commissary	-21.25	94.58
06/16/08	Disbursements	84 Library	168320	Chk #67446	540647, DOC: 523 Fund Library, Inv. Date: 06/12/2008	-.05	94.53
06/16/08	Disbursements	84 Library	168320	Chk #67446	540635, DOC: 523 Fund Library, Inv. Date: 06/12/2008	-.40	94.13
06/16/08	Disbursements	84 Library	168320	Chk #67446	538441, DOC: 523 Fund Library, Inv. Date: 05/15/2008	-.30	93.83
06/16/08	Disbursements	84 Library	168320	Chk #67446	540127, DOC: 523 Fund Library, Inv. Date: 06/06/2008	-.40	93.43
06/16/08	Disbursements	84 Library	168320	Chk #67446	540540, DOC: 523 Fund Library, Inv. Date: 06/11/2008	-.20	93.23
06/16/08	Disbursements	81 Legal Postage	168320	Chk #67448	540244, Pitney Bowes Bank, Inc, Inv. Date: 06/09/2008	-.83	92.40
06/16/08	Disbursements	80 Postage	168320	Chk #67448	540182, Pitney Bowes Bank, Inc, Inv. Date: 06/06/2008	-.42	91.98
06/24/08	Point of Sale	60 Commissary	176750	277405	Commissary	-20.04	71.94
07/08/08	Point of Sale	60 Commissary	190767	277966	Commissary	-10.02	61.92
07/11/08	Payroll	20 Payroll Adjustment	193120		P/R month of 06/2008	8.00	69.92
07/14/08	Mail Room	01 MO/Checks (Not Held)	196262	395053	O'Farrell, Tom	50.00	119.92
07/14/08	Mail Room	01 MO/Checks (Not Held)	196262	395054	O'Farrell, Tom	50.00	169.92
07/15/08	Point of Sale	60 Commissary	197750	278738	Commissary	-49.98	119.94
07/15/08	Disbursements	84 Library	197320	Chk #67730	542189, DOC: 523 Fund Library, Inv. Date: 07/03/2008	-.10	119.84
07/15/08	Disbursements	84 Library	197320	Chk #67730	541214, DOC: 523 Fund Library, Inv. Date: 06/20/2008	-.85	118.99

Time: 10:58am

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Pontiac Correctional Center

Trust Fund

Inmate Transaction Statement

REPORT CRITERIA - Date: 01/28/2008 thru End; Inmate: K54340; Active Status Only ? : No; Print Restrictions ? : Yes;  
Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include Inmate Totals ? : Yes; Print  
Balance Errors Only ? : No

Inmate: K54340 O'Farrell, Thomas

Housing Unit: PON-SP-08-52

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
07/15/08	Disbursements	84 Library	197320	Chk #67730	541749, DOC: 523 Fund Library, Inv. Date: 06/26/2008	-20.70	98.29
07/15/08	Disbursements	81 Legal Postage	197320	Chk #67732	541673, Pitney Bowes Bank, Inc, Inv. Date: 06/26/2008	-4.80	93.49
07/15/08	Disbursements	81 Legal Postage	197320	Chk #67732	541679, Pitney Bowes Bank, Inc, Inv. Date: 06/26/2008	-4.80	88.69
07/15/08	Disbursements	81 Legal Postage	197320	Chk #67732	541680, Pitney Bowes Bank, Inc, Inv. Date: 06/26/2008	-2.87	85.82
07/18/08	Disbursements	88 Art Supplies	200320	Chk #67794	07/18/08, Dick Blick Art Mater, Inv. Date: 07/18/2008	-26.05	59.77
07/21/08	Point of Sale	60 Commissary	203774	279396	Commissary	-24.46	35.31
07/28/08	Point of Sale	60 Commissary	210753	280032	Commissary	-16.22	19.09

Total Inmate Funds: 19.09

Less Funds Held For Orders: .00

Less Funds Restricted: 4.75

Funds Available: 14.34

Total Furloughs: .00

Total Voluntary Restitutions: .00

RESTRICTIONS

Invoice Date	Invoice Number	Type	Description	Vendor	Amount
07/18/2008	543356	Disb	Library Copies	2 DOC: 523 Fund Library	\$2.90
07/25/2008	543934	Disb	Library Copies	2 DOC: 523 Fund Library	\$1.85
Total Restrictions:					\$4.75